

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Patricia M. Colburn,
Plaintiff

v.

Richard Cappiello,
Defendant.

Civil Action No. 04-11859- MLW

AFFIDAVIT OF RICHARD CAPPIELLO

I, Richard Cappiello, solemnly depose and state:

1. Since 1988, I have been employed as the business manager for the International Brotherhood of Electrical Workers, Local 2322 (hereinafter "Local 2322"), located at 106 West Grove Street, Middleborough, MA 02346.
2. As business manager, I am responsible for the day to day management of Local 2322, which includes processing grievances. As business manager, I am also responsible for reviewing all litigation and administrative claims on behalf of Local 2322, in which Local 2322 is a party.
3. To date, I have not received any charge from the Massachusetts Commission Against Discrimination ("MCAD"), Patricia Colburn, or any other individual or entity, alleging that I or Local 2322 discriminated against Ms.

Colburn under the Commonwealth's employment discrimination statute, G.L. c. 151B § 1, *et seq.*

4. On or around April 6, 2005, Ms. Colburn filed a Motion for Reconsideration with the Court, alleging that she, at some point, had filed an MCAD charge. Until I received Colburn's Motion, I did not know that Ms. Colburn had filed an MCAD charge or that her Complaint in the above-captioned matter was an employment discrimination claim.

Signed under the pains and penalties of perjury,

s/ Richard Cappiello
Richard Cappiello

Date: April 20, 2005